



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 1676-00
19 April 2000

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you underwent a pre-enlistment physical examination on 19 April 1974, and failed to disclose your longstanding history of lower back pain exacerbated by heavy lifting. On 22 May 1974, you disclosed that history to a medical board, which gave you diagnoses of spondylolysis and spondylolisthesis, existed prior to enlistment (EPTE), not service aggravated. The medical board recommended that you be discharged without entitlement to disability benefits administered by the Department of the Navy. You were advised of the findings and recommendations of the medical board on 22 May 1974, and declined to submit a statement in rebuttal thereto. You were discharged on 24 May 1974.

The fact that you were found physically qualified for enlistment was not considered probative of error or injustice in your case. As noted above, you concealed your back condition. Had you reported that condition, it is unlikely that you would have permitted to enlist. In the absence of evidence which demonstrates that your back condition was incurred in or aggravated by your brief period of service, the Board was unable to recommend any corrective action in your case. Accordingly, your application has been denied. The names

and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director